

## **EXHIBIT 22**

## DICKSTEIN SHAPIRO MORIN &amp; OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 429-2168

E-Mail Address: ReynoldsT@dsmo.com

January 19, 2006

VIA OVERNIGHT MAIL AND FACSIMILE

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph St.  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents; MDL 1456

Dear Beth:

Enclosed please find one CD-ROM containing Baxter's production of documents (BAX MDL 0047663 – BAX MDL 0054590), which is being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. As you have previously requested, the format is Summation-compatible. A privilege log for today's production is forthcoming.

The custodians of the documents in the enclosed production include the following: Julianna Reed, Leslie Nelson, Lucy Cunningham, Harvey Davis, Susan Davis, Peter O'Malley, Michael Bradley, Kyle Bush, and Bernadette Connolly.

By e-mail dated December 1, 2005 you had requested that you be given all documents associated with former Baxter employee Michael Heggie by January 15, 2006. Though we do not have a grouping of documents that came directly from Mr. Heggie, we have identified from his successors' (Julianna Reed and Leslie Nelson) documents that it appears Mr. Heggie generated or received. Most of those documents are produced herewith and can be found at Bates numbers:

BAX MDL

0054413

0047895-0047899

0047900-0047903

0049063-0049068

0049259

0049576

0049667

0049703-0049705

Elizabeth A. Fegan, Esq.  
January 19, 2006  
Page 2

0049735-0049753

0049760

0049766

0050878-0050879

The "Heggie documents" that we have identified that are not being produced are, for the most part, Medicaid submissions that contained Mr. Heggie's signature. They are not responsive to any of your requests in the MDL. Should we identify any other responsive Heggie documents we will produce them in advance of his deposition.

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,

  
Tina D. Reynolds

enclosure  
TDR

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526  
Tel (202) 785-9700 • Fax (202) 887-0689  
Writer's Direct Dial: (202) 429-2168  
E-Mail Address: ReynoldsT@dsmo.com

January 27, 2006

VIA OVERNIGHT MAIL AND FACSIMILE

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph St.  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for  
Production of Documents; MDL 1456

Dear Beth:

Enclosed please find one CD-ROM containing Baxter's production of documents (BAX MDL 0054591-BAX MDL 0057559), which is being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. As you have previously requested, the format is Summation-compatible. A privilege log for today's production is forthcoming.

The custodians of the documents in the enclosed production include Leslie Nelson, Pam Rosenberg, and Scott Hippensteel.

By e-mail dated December 1, 2005 you had requested that you be given all documents associated with former Baxter employee Michael Heggie by January 15, 2006. In our January 17, 2006 production, we provided nearly all of the responsive documents we have that are associated with Mr. Heggie. In this production, we have identified BAX MDL 0055952 and 0055953 as documents potentially relating to Mr. Heggie.

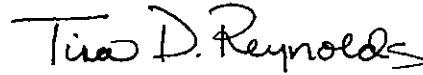
By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

1177 Avenue of the Americas • New York, New York 10036-2714  
Tel (212) 835-1400 • Fax (212) 997-9880  
[www.legalinnovators.com](http://www.legalinnovators.com)

Elizabeth A. Fegan, Esq.  
January 27, 2006  
Page 2

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Tina D. Reynolds". The signature is written in a cursive, flowing style.

Tina D. Reynolds

Enclosure  
TDR

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 777-2571

E-Mail Address: [HeardE@dsmo.com](mailto:HeardE@dsmo.com)

February 2, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph St.  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for  
Production of Documents; MDL 1456

Dear Beth:

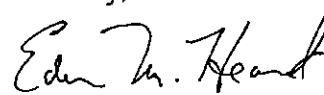
Enclosed please find the privilege log for Baxter's January 19, 2006 production. Also enclosed is one CD-ROM containing Baxter's production of documents (BAX MDL 0057560-BAX MDL 0057780) that were determined to be non-privileged in the course of creating the privilege log.

Please note that some pages in this production are portions of documents that were produced in full in Baxter's CMO 5 production.

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Eden M. Heard

Enclosures

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 777-2571

E-Mail Address: [HeardE@dsmo.com](mailto:HeardE@dsmo.com)

February 10, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph St.  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for  
Production of Documents: MDL 1456

Dear Beth:

Enclosed please find one CD-ROM containing Baxter's production of documents (BAX MDL 0057793 - BAX MDL 0069396), which is being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. As you have previously requested, the format is Summation-compatible. A privilege log for today's production is forthcoming.

Also enclosed is the privilege log for Baxter's January 27, 2006 production and one CD-ROM containing Baxter's production of documents (BAX MDL 0057781 - BAX MDL 0057792) that were determined to be non-privileged in the course of creating the privilege log.

The custodians of the documents in the today's production include Julianna Reed and Greg Neier.

By e-mail dated December 1, 2005 you had requested that you be given all documents associated with former Baxter employee Michael Heggie by January 15, 2006. As we have indicated in our recent productions, though we do not have a grouping of documents that came directly from Mr. Heggie, we have identified from his successors' (Julianna Reed and Leslie Nelson) documents that it appears Mr. Heggie generated or received. We have identified a few additional documents that are included in this production and can be found at the following Bates numbers:

**BAX MDL**

BAX MDL 0058060 - BAX MDL 0058183

BAX MDL 0062469 - BAX MDL 0062484

Elizabeth A. Fegan, Esq.  
February 10, 2006  
Page 2

BAX MDL 0064227 - BAX MDL 0064246  
BAX MDL 0064716  
BAX MDL 0064728 - BAX MDL 0064730  
BAX MDL 0065413  
BAX MDL 0066171 - BAX MDL 0066172  
BAX MDL 0066174  
BAX MDL 0066175  
BAX MDL 0066189  
BAX MDL 0066190  
BAX MDL 0066194  
BAX MDL 0066197  
BAX MDL 0066210  
BAX MDL 0066220  
BAX MDL 0066226  
BAX MDL 0066293  
BAX MDL 0066673  
BAX MDL 0066674 - BAX MDL 0066675  
BAX MDL 0068498

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Eden M. Heard

Enclosure



DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 777-2571

E-Mail Address: [HeardE@dsmo.com](mailto:HeardE@dsmo.com)

February 23, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph St.  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for  
Production of Documents; MDL 1456

Dear Beth:

Enclosed please find the privilege log for Baxter's February 10, 2006 production. Also enclosed is one CD-ROM containing Baxter's production of documents (BAX MDL 0069397- BAX MDL 0069490) that were determined to be non-privileged in the course of creating the privilege log.

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,

*Eden Heard/TDR*

Eden M. Heard

Enclosures

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 777-2571

E-Mail Address: HeardE@dsmo.com

March 7, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph St.  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents; MDL 1456

Dear Beth:

Enclosed please find one DVD containing Baxter's production of documents (BAX MDL 0069491 – BAX MDL 0101169), which is being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. A privilege log for today's production is forthcoming.

Included in this production are the following:

(i) non-privileged documents from the case files of Akin Gump Strauss Hauer & Feld LLP related to prior governmental investigations of Baxter's Medication Delivery division (including, but not limited to, documents relating to Juliana Reed and Kathleen Sullivan);

(ii) non-privileged documents from the case files of Dickstein Shapiro Morin & Oshinsky LLP related to prior governmental investigations (including, but not limited to, documents from Judy Reuter, Wayne Hemingway, Amy Rockwell, Larry Guiheen, Gary Hurata, Chuck Immel, Bryant Gunnerson, Kyle Bush, Susan Davis, John Sonnier, Marguerite Bateman, and Louise Westcott);

(iii) documents from or relating to Juliana Reed; and

Elizabeth A. Fegan, Esq.  
March 7, 2006  
Page 2

(iv) documents from two BioScience division sales representatives, Stuart Hegseth and David Schneider.

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eden M. Heard". The signature is fluid and cursive, with the first name "Eden" and last name "Heard" being clearly legible.

Eden M. Heard

enclosure

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 777-2571

E-Mail Address: HeardE@dsmo.com

March 10, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph Street  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents; MDL 1456

Dear Beth:

Enclosed please find one DVD containing Baxter's production of documents (BAX MDL 0101170 – BAX MDL 0127535), which is being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. A privilege log for today's production is forthcoming.

Included in this production are the following:

(i) Documents from the following BioScience division sales representatives and other sales employees: Keith Stanek, Jeff Griffith, Kevin O'Connor, Peggy Wier, Allison Clifford, Michael Ryan, Terri Bowden, Randy Smith, John Rothfuss, Jamie Holmes, John Boggs, Hal Heit, Karen Andrews, Bob Adams, Brandon Franz, Stan Singley, Royal Stewart, Kevin Maxwell, Tom Wallace, Ralph Yarborough, Stephanie Polfus, Dan Brenner, Jeff Fierro, Jim Hrabovsky, John Quigley, Chad Fletcher, Lisa Haney, David Byrnes, Christopher Lucas, James Fancher, Amy Gear, and Haleem Mady.

(ii) Documents from the following Medication Delivery division sales representatives and other sales employees: Mark Haber, Rose Lorella, Ronald Peters, Jacqueline Gladstone, Richard Hotzfeld, Kenneth Rasbid, Richard Shanahan, Robert Munerance, R. Blake Tenbarge, Cindi Cafasso, Martin Ramirez, Frederic Highsmith, Kerry Lum, James Hurner, Jason Mannos, Kenneth Wingham, Jodie Ehler, Raye Remback, and David Robinson.

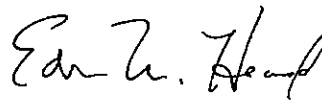
Elizabeth A. Fegan, Esq.  
March 10, 2006  
Page 2

(iii) Documents from Catherine Buckisch, Operations; Cheryl Diebold, BioScience Finance and Accounting; Nick Poulious, BioPharmaceuticals, Clinical Affairs; and Jane Xia, BioScience Marketing Strategy.

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eden M. Heard". The signature is fluid and cursive, with the first name "Eden" being more prominent.

Eden M. Heard

Enclosure

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 777-2571

E-Mail Address: [HeardE@dsmo.com](mailto:HeardE@dsmo.com)

March 17, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph Street  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents; MDL 1456

Dear Beth:

Enclosed please find two DVDs containing Baxter's production of documents (BAX MDL 0127536 - BAX MDL 0196484), which is being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. A privilege log for today's production is forthcoming.

Included in this production are documents from the following custodians: Julie Reed, Leslie Nelson, Pam Rosenberg, Peter O'Malley, Jay Rogers, Scott Hippensteel, Janet Raciti, Michael Bolton, Mary Schmidts, Greg Neier, Leslie Hoffmann, Mark Teevers, Bernadette Connelly, Larry Guiheen, Alan Kirgan, Lisa Trowbridge, Jorga McEwen, Brenda Stewart, Jeff Nordquist, Craig Prather, Tom Kessler, Holly Higgenbotham, Caryn Straub, Cindy Gustafson, Lesly Marban, Katty Button, Becky Strauts, Curt Barthelemy, and Mary Feffer.

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Elizabeth A. Fegan, Esq.  
March 17, 2006  
Page 2

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eden M. Heard". The signature is fluid and cursive, with the first name "Eden" being more prominent.

Eden M. Heard

Enclosure

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 777-2571

E-Mail Address: [HeardE@dsmo.com](mailto:HeardE@dsmo.com)

March 23, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph Street  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents; MDL 1456

Dear Beth:

Enclosed please find one DVD containing Baxter's production of documents (BAX MDL 0196485 – BAX MDL 0203446), which is being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. A privilege log for today's production is forthcoming.

Included in this production are the following:

(i) non-privileged documents from the case files of Akin Gump Strauss Hauer & Feld LLP related to prior governmental investigations;

(ii) non-privileged documents from the case files of Dickstein Shapiro Morin & Oshinsky LLP related to prior governmental investigations;

(iii) documents from the following Medication Delivery division sales representatives and other sales employees: Mark Haber; Jennifer Mumma; Richard (Rick) Hotzfeld; and Gregg Tures;

(iv) documents from the following BioScience division sales representatives and other sales employees: Colleen Madison and Jeff Griffith; and

(v) documents from Marguerite Bateman, Beth Frontz, and Kathy Pawloski.

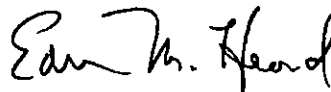


Elizabeth A. Fegan, Esq.  
March 23, 2006  
Page 2

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Eden M. Heard". The signature is written in a cursive, flowing style.

Eden M. Heard

Enclosure

## **EXHIBIT 23**

**Alma Pagan**

---

**From:** Beth Fegan  
**Sent:** Friday, April 07, 2006 11:10 AM  
**To:** Beth Fegan; 'Jackson, Andrew'  
**Cc:** 'DeLancey, Merle'; 'Reynolds, Tina'; Alma Pagan  
**Subject:** RE: AWP - Baxter  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Andrew, I don't believe I've heard back from you in response to my March 28 e-mail. Please let me know either proposed dates for the depositions, or Baxter's objection thereto so that we can move this along. Thanks, Beth

---

**From:** Beth Fegan  
**Sent:** Tuesday, March 28, 2006 11:00 AM  
**To:** 'Jackson, Andrew'  
**Cc:** DeLancey, Merle; Reynolds, Tina; Alma Pagan; Mark Dykstra  
**Subject:** RE: AWP - Baxter

Andrew,

Merle had previously represented that the documents related to the Baxter employees who were employed pre-1997 were largely already searched and produced as part of the government investigation. Is this not the case? In any event, if Baxter intends to do a document dump at the end of May, and the dump contains the "smoking gun", I am not too worried about getting the Court to agree that we may re-depose a particular employee on limited topics. So, I suggest we schedule these depositions, and both reserve any potential issues or objections we may have in the future.

Also, please let me know some possible dates for the spoliation depo.

Thanks,

Beth

---

**From:** Jackson, Andrew [mailto:JacksonA@dsmo.com]  
**Sent:** Tuesday, March 21, 2006 10:37 AM  
**To:** Beth Fegan  
**Cc:** DeLancey, Merle; Reynolds, Tina; Jackson, Andrew  
**Subject:** AWP - Baxter

Beth,

Merle and Tina asked that I respond to your e-mail re depositions. As you know, the parties agreed and the Court granted an extension to the Baxter discovery schedule. Documents are to be produced by June, with several months of depositions thereafter. Are you sure you want to take these depositions in advance of receiving all documents? I anticipate that we will take the position that the individuals will only be made available once for deposition. Let me know if you still intend to take these depositions in advance of receiving all of our production.

That said, we want to work with you on scheduling depositions for mutually convenient times/places. For planning purposes, you should know that some of the folks you have identified are not in the Chicago area, so we'll all have to do some traveling.

Finally, the individual who will be proffered as the 30(b)(6) deponent re the spoliation issue had a death in the family yesterday (father). It's going to be several days before I can coordinate schedules with him. I'll let you know as soon as possible on that deposition.

Let me know on the "depositions in advance of production issue." I'll try to get you more specifics later this week.

Andy

J. Andrew Jackson, Esq.  
Dickstein, Shapiro, Morin & Oshinsky, LLP  
2101 L Street, N.W.  
Washington D.C. 20037-1526  
Tel 202-828-2268  
Fax 202-822-9544  
JacksonA@dsmo.com

---

**From:** Beth Fegan [mailto:beth@hbsslaw.com]  
**Sent:** Friday, March 17, 2006 3:59 PM  
**To:** DeLancey, Merle; Reynolds, Tina  
**Cc:** Mark Dykstra; Alma Pagan  
**Subject:** AWP - Baxter

Merle and Tina,

I would like to start scheduling depositions for April, including those of Kathy Sullivan, Cindy Pullano, Pamela Koo, Kyle Bush, Rosalie Satherwaite, Bernadette Connolly, Catherine Schrank, Judy Reuter, and Robert Roose. We need to schedule the spoliation 30(b)(6) for April also. I am currently free April 6-7, the week of April 10, April 17-19, and April 24-25, 2006. Please let me know (i) which of those dates to hold and for whom; and (ii) if there are any persons that you will not be voluntarily producing, their last known addresses by the end of next week so that we can begin the process of serving them with subpoenas.

I generally assume that these depositions will take place at our offices in Chicago, so please advise if any of these will require travel elsewhere because that will obviously also affect scheduling.

I will wait to issue a formal notice until the end of next week in the hopes we can come to an agreement on dates. I look forward to hearing from you.

Beth

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 W. Randolph  
Suite 200  
Chicago, Illinois 60601  
312.762.9235  
312.762.9286 (fax)  
www.hbsslaw.com

---

This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error, and any review, use, dissemination, forwarding, printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited. Dickstein Shapiro reserves the right to monitor any communication that is created, received, or sent on its network. If you have received this confidential communication in error, please notify the sender immediately by reply e-mail message and permanently delete the original message.

To reply to our email administrator directly, send an email to [postmaster@dsmo.com](mailto:postmaster@dsmo.com)

Dickstein Shapiro Morin & Oshinsky LLP  
<http://www.DicksteinShapiro.com>

---

## Alma Pagan

---

**From:** Jackson, Andrew [JacksonA@dsmo.com]  
**Sent:** Friday, April 07, 2006 12:47 PM  
**To:** Beth Fegan  
**Cc:** DeLancey, Merle; Reynolds, Tina; Alma Pagan; Heard, Eden  
**Subject:** RE: AWP - Baxter  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Our recent document discovery efforts, including the efforts relating to documents in the storage facilities, have resulted in the discovery of documents related to some of the Baxter employees you have identified. We continue to believe that it will be more efficient for us to produce those documents before starting depositions. Indeed, that was the intended purpose behind negotiating an extension to the discovery schedule with separate deadlines for production (June 1) and completion of fact depositions (September 1).

To our knowledge, Roose was never a Baxter employee. We're still working on availability of the others. As mentioned above, we anticipate producing additional documents for some of the individuals you've identified.

We're available on April 28 for the spoliation deposition.

Andy

J. Andrew Jackson, Esq.  
Dickstein, Shapiro, Morin & Oshinsky, LLP  
2101 L Street, N.W.  
Washington D.C. 20037-1526  
Tel 202-828-2268  
Fax 202-822-9544  
JacksonA@dsmo.com

---

**From:** Beth Fegan [mailto:beth@hbsslaw.com]  
**Sent:** Friday, April 07, 2006 12:10 PM  
**To:** Beth Fegan; Jackson, Andrew  
**Cc:** DeLancey, Merle; Reynolds, Tina; Alma Pagan  
**Subject:** RE: AWP - Baxter

Andrew, I don't believe I've heard back from you in response to my March 28 e-mail. Please let me know either proposed dates for the depositions, or Baxter's objection thereto so that we can move this along. Thanks, Beth

---

**From:** Beth Fegan  
**Sent:** Tuesday, March 28, 2006 11:00 AM  
**To:** 'Jackson, Andrew'  
**Cc:** DeLancey, Merle; Reynolds, Tina; Alma Pagan; Mark Dykstra  
**Subject:** RE: AWP - Baxter

Andrew,

Merle had previously represented that the documents related to the Baxter employees who were employed pre-1997 were largely already searched and produced as part of the government investigation. Is this not the case? In any event, if Baxter intends to do a document dump at the end of May, and the dump contains the "smoking gun", I am not too worried about getting the Court to agree that we may re-depose a particular employee on limited topics. So, I suggest we schedule these depositions, and both reserve any potential issues or objections we may have in the future.

Also, please let me know some possible dates for the spoliation depo.

Thanks,

Beth

---

**From:** Jackson, Andrew [mailto:JacksonA@dsmo.com]  
**Sent:** Tuesday, March 21, 2006 10:37 AM  
**To:** Beth Fegan  
**Cc:** DeLancey, Merle; Reynolds, Tina; Jackson, Andrew  
**Subject:** AWP - Baxter

Beth,

Merle and Tina asked that I respond to your e-mail re depositions. As you know, the parties agreed and the Court granted an extension to the Baxter discovery schedule. Documents are to be produced by June, with several months of depositions thereafter. Are you sure you want to take these depositions in advance of receiving all documents? I anticipate that we will take the position that the individuals will only be made available once for deposition. Let me know if you still intend to take these depositions in advance of receiving all of our production.

That said, we want to work with you on scheduling depositions for mutually convenient times/places. For planning purposes, you should know that some of the folks you have identified are not in the Chicago area, so we'll all have to do some traveling.

Finally, the individual who will be proffered as the 30(b)(6) deponent re the spoliation issue had a death in the family yesterday (father). It's going to be several days before I can coordinate schedules with him. I'll let you know as soon as possible on that deposition.

Let me know on the "depositions in advance of production issue." I'll try to get you more specifics later this week.

Andy

J. Andrew Jackson, Esq.  
Dickstein, Shapiro, Morin & Oshinsky, LLP  
2101 L Street, N.W.  
Washington D.C. 20037-1526  
Tel 202-828-2268  
Fax 202-822-9544  
JacksonA@dsmo.com

---

**From:** Beth Fegan [mailto:beth@hbsslaw.com]

**Sent:** Friday, March 17, 2006 3:59 PM  
**To:** DeLancey, Merle; Reynolds, Tina  
**Cc:** Mark Dykstra; Alma Pagan  
**Subject:** AWP - Baxter

Merle and Tina,

I would like to start scheduling depositions for April, including those of Kathy Sullivan, Cindy Pullano, Pamela Koo, Kyle Bush, Rosalie Satherwaite, Bernadette Connolly, Catherine Schrank, Judy Reuter, and Robert Roose. We need to schedule the spoliation 30(b)(6) for April also. I am currently free April 6-7, the week of April 10, April 17-19, and April 24-25, 2006. Please let me know (i) which of those dates to hold and for whom; and (ii) if there are any persons that you will not be voluntarily producing, their last known addresses by the end of next week so that we can begin the process of serving them with subpoenas.

I generally assume that these depositions will take place at our offices in Chicago, so please advise if any of these will require travel elsewhere because that will obviously also affect scheduling.

I will wait to issue a formal notice until the end of next week in the hopes we can come to an agreement on dates. I look forward to hearing from you.

Beth

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 W. Randolph  
Suite 200  
Chicago, Illinois 60601  
312.762.9235  
312.762.9286 (fax)  
[www.hbsslaw.com](http://www.hbsslaw.com)

-----  
This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error, and any review, use, dissemination, forwarding, printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited. Dickstein Shapiro reserves the right to monitor any communication that is created, received, or sent on its network. If you have received this confidential communication in error, please notify the sender immediately by reply e-mail message and permanently delete the original message.

To reply to our email administrator directly, send an email to [postmaster@dsmo.com](mailto:postmaster@dsmo.com)

Dickstein Shapiro Morin & Oshinsky LLP  
<http://www.DicksteinShapiro.com>

---

-----  
This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work



product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error, and any review, use, dissemination, forwarding, printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited. Dickstein Shapiro reserves the right to monitor any communication that is created, received, or sent on its network. If you have received this confidential communication in error, please notify the sender immediately by reply e-mail message and permanently delete the original message.

To reply to our email administrator directly, send an email to [postmaster@dsmo.com](mailto:postmaster@dsmo.com)

Dickstein Shapiro Morin & Oshinsky LLP  
<http://www.DicksteinShapiro.com>

---

**Alma Pagan**

---

**From:** Beth Fegan  
**Sent:** Friday, April 07, 2006 4:07 PM  
**To:** 'Jackson, Andrew'  
**Cc:** DeLancey, Merle; Reynolds, Tina; Alma Pagan; Heard, Eden  
**Subject:** RE: AWP - Baxter  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I'm available April 28. Please confirm that it will be at our office, and the name(s) of the persons to be designated by Baxter as the 30(b)(6) witness(es).

While I understand generally the purposes of separate discovery deadlines, there is no time built in for Baxter to produce documents late and Plaintiffs to review them before jumping into depositions. Since Baxter's "recent document discovery efforts...have resulted in the discovery of documents related to some of the Baxter employees [we] have identified", please put those documents on the front-burner for production, and let's get those current or former employees scheduled for deposition.

Beth

---

**From:** Jackson, Andrew [mailto:JacksonA@dsmo.com]  
**Sent:** Friday, April 07, 2006 12:47 PM  
**To:** Beth Fegan  
**Cc:** DeLancey, Merle; Reynolds, Tina; Alma Pagan; Heard, Eden  
**Subject:** RE: AWP - Baxter

Our recent document discovery efforts, including the efforts relating to documents in the storage facilities, have resulted in the discovery of documents related to some of the Baxter employees you have identified. We continue to believe that it will be more efficient for us to produce those documents before starting depositions. Indeed, that was the intended purpose behind negotiating an extension to the discovery schedule with separate deadlines for production (June 1) and completion of fact depositions (September 1).

To our knowledge, Roose was never a Baxter employee. We're still working on availability of the others. As mentioned above, we anticipate producing additional documents for some of the individuals you've identified.

We're available on April 28 for the spoliation deposition.

Andy

J. Andrew Jackson, Esq.  
Dickstein, Shapiro, Morin & Oshinsky, LLP  
2101 L Street, N.W.  
Washington D.C. 20037-1526  
Tel 202-828-2268  
Fax 202-822-9544  
JacksonA@dsmo.com

---

**From:** Beth Fegan [mailto:beth@hbsslaw.com]  
**Sent:** Friday, April 07, 2006 12:10 PM  
**To:** Beth Fegan; Jackson, Andrew  
**Cc:** DeLancey, Merle; Reynolds, Tina; Alma Pagan  
**Subject:** RE: AWP - Baxter

Andrew, I don't believe I've heard back from you in response to my March 28 e-mail. Please let me know either proposed dates for the depositions, or Baxter's objection thereto so that we can move this along. Thanks, Beth

---

**From:** Beth Fegan  
**Sent:** Tuesday, March 28, 2006 11:00 AM  
**To:** 'Jackson, Andrew'  
**Cc:** DeLancey, Merle; Reynolds, Tina; Alma Pagan; Mark Dykstra  
**Subject:** RE: AWP - Baxter

Andrew,

Merle had previously represented that the documents related to the Baxter employees who were employed pre-1997 were largely already searched and produced as part of the government investigation. Is this not the case? In any event, if Baxter intends to do a document dump at the end of May, and the dump contains the "smoking gun", I am not too worried about getting the Court to agree that we may re-depose a particular employee on limited topics. So, I suggest we schedule these depositions, and both reserve any potential issues or objections we may have in the future.

Also, please let me know some possible dates for the spoliation depo.

Thanks,

Beth

---

**From:** Jackson, Andrew [mailto:JacksonA@dsmo.com]  
**Sent:** Tuesday, March 21, 2006 10:37 AM  
**To:** Beth Fegan  
**Cc:** DeLancey, Merle; Reynolds, Tina; Jackson, Andrew  
**Subject:** AWP - Baxter

Beth,

Merle and Tina asked that I respond to your e-mail re depositions. As you know, the parties agreed and the Court granted an extension to the Baxter discovery schedule. Documents are to be produced by June, with several months of depositions thereafter. Are you sure you want to take these depositions in advance of receiving all documents? I anticipate that we will take the position that the individuals will only be made available once for deposition. Let me know if you still intend to take these depositions in advance of receiving all of our production.

That said, we want to work with you on scheduling depositions for mutually convenient times/places. For planning purposes, you should know that some of the folks you have identified are not in the Chicago area, so we'll all have to do some traveling.

Finally, the individual who will be proffered as the 30(b)(6) deponent re the spoliation issue had a death in the family yesterday (father). It's going to be several days before I can coordinate schedules with him. I'll let you know as soon as possible on that deposition.

Let me know on the "depositions in advance of production issue." I'll try to get you more specifics later this week.

Andy

J. Andrew Jackson, Esq.  
Dickstein, Shapiro, Morin & Oshinsky, LLP  
2101 L Street, N.W.  
Washington D.C. 20037-1526  
Tel 202-828-2268  
Fax 202-822-9544  
JacksonA@dsmo.com

---

**From:** Beth Fegan [mailto:beth@hbsslaw.com]  
**Sent:** Friday, March 17, 2006 3:59 PM  
**To:** DeLancey, Merle; Reynolds, Tina  
**Cc:** Mark Dykstra; Alma Pagan  
**Subject:** AWP - Baxter

Merle and Tina,

I would like to start scheduling depositions for April, including those of Kathy Sullivan, Cindy Pullano, Pamela Koo, Kyle Bush, Rosalie Satherwaite, Bernadette Connolly, Catherine Schrank, Judy Reuter, and Robert Roose. We need to schedule the spoliation 30(b)(6) for April also. I am currently free April 6-7, the week of April 10, April 17-19, and April 24-25, 2006. Please let me know (i) which of those dates to hold and for whom; and (ii) if there are any persons that you will not be voluntarily producing, their last known addresses by the end of next week so that we can begin the process of serving them with subpoenas.

I generally assume that these depositions will take place at our offices in Chicago, so please advise if any of these will require travel elsewhere because that will obviously also affect scheduling.

I will wait to issue a formal notice until the end of next week in the hopes we can come to an agreement on dates. I look forward to hearing from you.

Beth

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 W. Randolph  
Suite 200  
Chicago, Illinois 60601  
312.762.9235  
312.762.9286 (fax)  
www.hbsslaw.com

---

This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error,

and any review, use, dissemination, forwarding, printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited. Dickstein Shapiro reserves the right to monitor any communication that is created, received, or sent on its network. If you have received this confidential communication in error, please notify the sender immediately by reply e-mail message and permanently delete the original message.

To reply to our email administrator directly, send an email to [postmaster@dsmo.com](mailto:postmaster@dsmo.com)

Dickstein Shapiro Morin & Oshinsky LLP  
<http://www.DicksteinShapiro.com>

---

-----  
This e-mail message and any attached files are confidential and are intended solely for the use of the addressee(s) named above. This communication may contain material protected by attorney-client, work product, or other privileges. If you are not the intended recipient or person responsible for delivering this confidential communication to the intended recipient, you have received this communication in error, and any review, use, dissemination, forwarding, printing, copying, or other distribution of this e-mail message and any attached files is strictly prohibited. Dickstein Shapiro reserves the right to monitor any communication that is created, received, or sent on its network. If you have received this confidential communication in error, please notify the sender immediately by reply e-mail message and permanently delete the original message.

To reply to our email administrator directly, send an email to [postmaster@dsmo.com](mailto:postmaster@dsmo.com)

Dickstein Shapiro Morin & Oshinsky LLP  
<http://www.DicksteinShapiro.com>

---

## **EXHIBIT 24**

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 429-2168

E-Mail Address: ReynoldsT@dsno.com

May 11, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph Street  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents; MDL 1456

Dear Beth:

Enclosed please find five DVDs and one Hard Drive (BAX MDL E 0000001 – BAX MDL E 0668428); two CD-Roms (BAX MDL 0203477, 0203478); and hardcopy documents (BAX MDL 0203447 – 0203476) which are being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. Please return the Hard Drive to Dickstein Shapiro or send a check for \$300.00 for the cost of a replacement hard drive. A privilege log for today's production is forthcoming.

Included in this production are the following:

(i) Documents from the following BioScience division sales representatives and other sales employees: Robert Adams, Clem J. Adkins, David Arnold, Jeffrey Beck, Stuart Hegseth, Michael Ryan, Mark Saylor, David Schneider, Elizabeth Sieverts, Stanley Singley, Donald Sivinski, Randy Smith, Lisa Stubbs, David Tetto, Patrick J. Wagner, Thomas W. Wallace, and Sarah Weddige (BAX MDL E 0000001 – BAX E MDL 0668428);

(ii) Documents from the following Medication Delivery division sales representatives and other sales employees: Joseph G. Darling, Rose P. Lorella, Cecil R. Pence, Kenneth Wingham, Carol Amyx, Sandra Bauco, Kathie Duffy, Christene Ebert, Stephen Martz, Ronald Peters, David Robinson, David Schoff, Richard Shanahan, Donna Smith, Catherine Somerville, Brenda Stewart, Caryn Straub, David Thomas, Lisa

1177 Avenue of the Americas • New York, NY 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

[www.DicksteinShapiro.com](http://www.DicksteinShapiro.com)

Elizabeth A. Fegan, Esq.  
May 11, 2006  
Page 2

Trowbridge, Rachel Wilson, Michael Haughton and Robert J. Dunphey (BAX MDL E 0000001 – BAX E MDL 0668428);

(iii) Documents from Eryn M. Ballard, Corporate Services Finance and Accounting; Lawrence Guiheen, BioScience Executive; Scott Hippensteel, Medication Delivery Marketing; Valerie J. Stangohr, BioScience Operations; Cherie L. Yates, BioScience Operations; Abby Agnew, BioScience Operations; Elaine Antonopoulos, BioScience Finance and Accounting; Jennifer Rogers, BioScience Finance and Accounting; Nancy Siedlecki, Medication Delivery Consultant; Lori A. Sledzik, Medication Delivery Marketing; Shwenia Tillis, BioScience Operation; Christine Wilburn Medication Delivery Operations; Kyle Bush, BioPharmaceuticals Marketing; and Neil Shah Corporate Service Finance and Accounting (BAX MDL E 0000001 – BAX E MDL 0668428);

(iv) Additional BioScience Contracts (BAX MDL 0203447 – 0203476); and

(v) Baxter BioScience training tutorial for new hires. The tutorial prompts the "First Time User" to check the button labeled, "Begin Here." The user then enters his/her name, his/her user name, and the password, "baxterbioscience." (BAX MDL 0203477, 0203478).

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Tina D. Reynolds

Enclosure



## **EXHIBIT 25**

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 828-2822

E-Mail Address: DeLanceyM@dsmo.com

May 26, 2006

Via FedEx  
Via E-Mail

Ms. Elizabeth A. Fegan  
HAGENS BERMAN SOBOL SHAPIRO LLP  
60 West Randolph Street  
Suite 200  
Chicago, IL 60601

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation, MDL 1456

Dear Beth:

Pursuant to Plaintiffs' Omnibus Requests for Production of Documents, Defendant Baxter anticipates producing over 2,000,000 additional pages in the next week in TIFF format. In the interests of efficiency, we will also make additional electronic documents available for inspection through a web based on-line repository on June 1, 2006. In this repository, Plaintiffs can review electronic documents in their native format<sup>1</sup> and mark documents for Bates stamping and delivery in TIFF format. As opposed to a TIFF production, the repository will allow Plaintiffs to review electronic documents in native format, run full text searches, and search by custodian. The repository will contain files of employees that we have interviewed and determined would have responsive documents. The documents are being produced as they are kept in the usual course of business.

Within the repository, next to each electronic document, there will be an annotation window where Plaintiffs can request that a document be converted to TIFF format. Lextranet, Baxter's on-line vendor, will periodically sweep the system for documents designated for TIFF conversion and deliver the documents in TIFF format with Bates stamps to Plaintiffs. After a batch of documents are converted to TIFF format, Plaintiffs will have the ability to search the repository for those documents by the date they were converted to TIFF and by Bates number.

Baxter will pay the substantial loading fees associated with moving electronic documents from Baxter's internal systems to the on-line repository and creating the ability to search across documents both by custodian and by text. Plaintiffs will be obligated to pay Lextranet the cost of accessing the system, \$125 per month per user, and the cost associated with

<sup>1</sup> Documents that require redactions will be uploaded to the on-line repository in TIFF form since native documents cannot be redacted. Plaintiffs will be able to search these TIFF documents by text field, custodian field, and production installment.

1177 Avenue of the Americas • New York, NY 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

[www.DicksteinShapiro.com](http://www.DicksteinShapiro.com)

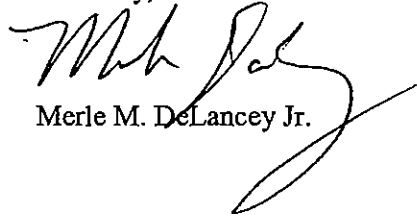
DSMDB.2090389.01

Ms. Elizabeth A. Fegan  
May 26, 2006  
Page 2

conversion from native format to Bates stamped TIFF images \$0.09 per page. All requested TIFFs will be text searchable.

By making documents available for inspection, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges.

Sincerely,

A handwritten signature in black ink, appearing to read 'Merle M. DeLancey Jr.', with a long, sweeping flourish extending from the bottom right.

Merle M. DeLancey Jr.

MMD/sp

## **EXHIBIT 26**

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526  
Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 429-2168

E-Mail Address: [ReynoldsT@dsmo.com](mailto:ReynoldsT@dsmo.com)

May 30, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph Street  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents;  
MDL 1456

Dear Beth:

Enclosed please find two Hard Drives (BAX MDL E 0669393 – BAX MDL E 1478930) and (BAX MDL E 1478931 – BAX MDL E 1933029), which are being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. Please return the Hard Drives to Dickstein Shapiro or send a check for \$300.00 per Hard Drive for the cost of replacements. A privilege log for today's production is forthcoming.

Included in this production are the following:

(i) Documents from the following BioScience division sales representatives and other sales employees: David Byrnes, John Rothfuss, Rosalee Satterthwaite, Peggy Wier, Ralph Yarbrough, and Leo Zalaznik. (BAX MDL E 0669393 – BAX MDL E 1478930);

(ii) Documents from the following Medication Delivery division sales representatives and other sales employees: Curtis Barthelmy, Marie Borselle, Michael Downey, Stacy Levesque, Evan Levick, Yolanda Sarpy, David Schoff, Joan Spilis, Mark Tewers, Christine Vogel, Jodie Wagner-Hammock, Alicca Ward, Danette Williamson, and Rachel Wilson (BAX MDL E 0669393 – BAX MDL E 1478930);

(iii) Documents from Stephen Andrea, BioScience Finance and Accounting; Tracy Anderson, BioScience Operations; Kyle Bush, BioPharmaceuticals Marketing; Bernadette Connolly, BioScience Marketing; Yalda Saalabi, BioPharmaceuticals Marketing; John Shannon, BioScience Marketing; Sheley Shaw, BioScience Marketing; Joan Spilis, Medication Delivery Marketing; Henry Yoo, BioScience Finance and Accounting; and Kristie Zunker, Corporate Services Finance and Accounting (BAX MDL E 0669393 – BAX MDL E 1478930);

1177 Avenue of the Americas • New York, NY 10036-2714  
Tel (212) 835-1400 • Fax (212) 997-9880  
[www.DicksteinShapiro.com](http://www.DicksteinShapiro.com)

RECEIVED 20060601

Elizabeth A. Fegan, Esq.  
May 30, 2006  
Page 2

(iv) Documents from the following BioScience division sales representatives and other sales employees: Karen Andrews, John Boggs, Casey Brunning, Laura Connolly, Chad Fletcher, Amy Gear, Lisa Haney, Mark Heidersbach, Hal Heit, Michael Kail, Edward Langan, James Pepio, Brian Sturgill, Craig Tillery, Robert Vaccino, and David Weikel (BAX MDL E 1478931 – BAX MDL E 1933029);

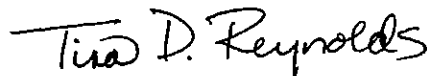
(v) Documents from the following Medication Delivery division sales representatives and other sales employees: Melissa Ansell, Mark Binney, Nathan Cordero, Cynthia Gustafson, Linda Hettler, Barbara Johnson-Duffie, Casey Listman, Michelle Norton, Martin Ramirez, Teresa Rodgers, and Danette Williamson (BAX MDL E 1478931 – BAX MDL E 1933029); and

(vi) Documents from Dana Borysiewicz, BioScience Operations; Sarah Bowers, BioScience Finance and Accounting; Jennifer Dahlgren, BioScience Finance and Accounting; Thomas Dinolfo, Jr., Corporate Services Finance and Accounting; Nancy Fortunato, Medication Delivery Marketing; Jim Hauert, BioPharmaceuticals Marketing; Christopher Jackson, BioScience Finance and Accounting; Michelle Kern, Global Legal; Peter Moon, BioScience Marketing; Tiffany Peterson, BioScience Operations; Jennifer Randolph, BioScience Operations; Linda Reedy, Corporate Services Finance and Accounting; Karen Rodriguez, BioScience Operations; James Saccaro, Corporate Services Finance and Accounting; Joan Spilis, Medication Delivery Marketing; Matthew Verden, Medication Delivery Marketing; Christine Wilburn, Medication Delivery Operations; and Kathryn Zorc, Medication Delivery Marketing (BAX MDL E 1478931 – BAX MDL E 1933029).

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Tina D. Reynolds

Enclosure

## **EXHIBIT 27**

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 572-2728

E-Mail Address: [PatelS@dsmo.com](mailto:PatelS@dsmo.com)

June 1, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
HAGENS BERMAN SOBOL SHAPIRO LLP  
60 West Randolph Street  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents:  
MDL 1456

Dear Ms. Fegan:

Enclosed please find two Hard Drives containing (BAX MDL E 1933030 – BAX MDL E 2631916) and (BAX MDL E 2631917 – BAX MDL E 2962307) which are being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. Please return the Hard Drives to Dickstein Shapiro or send a check for \$300.00 per Hard Drive for the cost of replacements. A privilege log for today's production is forthcoming.

Included in this production are the following:

(i) Documents from the following BioScience division sales representatives and other sales employees: Kevin Ellebrecht, Deyanira Giraldez, James Hrabovsky, Nicole Luikaart, Haleem Mady, Kevin Maxwell, Stacey McCrea, Peggy McNulty, Keith Murray, Stephanie Polfus, Keith Stanek, Andrew Kaplan, Samantha Lee, Kimberly Peterson, Thomas Notaro, Patrick Holt (BAX MDL E 1933030 – BAX MDL E 2631916);

(ii) Documents from the following Medication Delivery division sales representatives and other sales employees: Jane Brashaw, Jodie Ehler, Pamela Hitchmoth, Marie Holmes, David Lynch, Cynthia Mandic, Matthew McGuire, Jennifer Mumma, Robert Munerance, Daniel Nagel, Raye Remback, Richard Rice, Brad Romike, Steven Spaudie Jr., Judith Carnes, Kimberly Casey, Elizabeth Frontz, Jill Groves, Cecile Hogan, Christine Hoglund, Janice Kann, Alan Kirgan, Bonnie Lamb, Nancy Laue, Kathryn Lefebvre, Jorja McEwen, Kimberly McQuade, Tamara Miller, Michelle Niday, Michelle Norton, Hope Ptak, Louis Rofrano Jr., Lori Rumer, Brenda Stewart, Richard Hotzfeld (BAX MDL E 1933030 - BAX MDL E 2631916);

(iii) Documents from Ann Blackwood, Government Affairs Manager; Michael Bradley, BioScience Healthcare Economics and Reimbursement; Tom Dovas, Medication Delivery Marketing; David Drohan, Medication Delivery President; John Guedry, Medication Delivery Trade Accounts; Bryant Gunnerson, BioScience Finance and Accounting; Dorine Hernandez, BioScience Marketing; Cheryl Hoo Chung, Global Finance; Harry Kraemer,

1177 Avenue of the Americas • New York, NY 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

[www.DicksteinShapiro.com](http://www.DicksteinShapiro.com)



Elizabeth A. Fegan, Esq.  
June 1, 2006  
Page 2

Corporate Services; Angela Marino, Medication Delivery Marketing; Gordon Mazursky, Corporate Services; Michelle Michalak, BioScience Marketing; Leslie Nelson, Medication Delivery Healthcare Economics and Reimbursement; Chad Ness, BioScience Finance and Accounting; Anthony Nix, BioScience Finance; Jeffery Nordquist, Medication Delivery Marketing; Elaine Peterson, BioScience Marketing; Jelena Popadic, BioScience Marketing; Alton Shader, BioScience Marketing; Tammy Siden, Global Supply Chain; Gregg Tures, Corporate Services Customer Service (BAX MDL E 1933030 - BAX MDL E 2631916); and

(iv) Documents from Paul Ashba, BioScience Legal; Marie Borselle, Medication Delivery Sales; Michael Bradley, BioScience Healthcare Economics and Reimbursement; Michael Buha, Medication Delivery Sales; Joseph Darling, Medication Delivery Sales; Ivan Forehand, Medication Delivery Sales; Lawrence Guiheen, BioScience Executive; Bryant Gunnerson, BioScience Finance and Accounting; Mark Haber, Medication Delivery Sales; Scott Hippensteel, Medication Delivery Marketing; Marie Keeley, Medication Delivery Sales; Michael Land, BioScience Sales; Nick Poullos, BioScience Clinical Affairs; Craig Prather, Medication Delivery Sales; Michelle Priefer Walbert, BioScience Marketing; Juliana Reed, Medication Delivery Healthcare Economics and Reimbursement (BAX MDL E 2631917 - BAX MDL E 2962307).

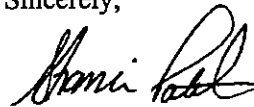
Please note that in our May 30, 2006 production we incorrectly identified one of the two Hard Drives as containing Bates range BAX MDL E 0669393 – BAX MDL E 1478930. The correct Bates range for that Hard Drive is BAX MDL E 0668429 – BAX MDL E 1478930.

By this letter we also produce to you for inspection, documents contained in our on-line repository. (See Letter from Merle M. DeLancey Jr. to Elizabeth A. Fegan, March 26, 2006). To access the repository, go to "[www.lextranet.com](http://www.lextranet.com)," enter "Login," enter "Version 4 Login," enter User name "efegan9709," and Password "e645f224" Additional user instructions are enclosed.

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defects or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Shamir Patel

Elizabeth A. Fegan, Esq.

June 1, 2006

Page 3

Enclosure

## **EXHIBIT 28**

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526  
Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 572-2728

E-Mail Address: [PatelS@dsmo.com](mailto:PatelS@dsmo.com)

June 19, 2006

**VIA OVERNIGHT MAIL**

Elizabeth A. Fegan, Esq.  
Hagens Berman Sobol Shapiro LLP  
60 West Randolph Street  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents;  
MDL 1456

Dear Beth:

Enclosed please find two Hard Drives (BAX MDL E 2962308 – 3378594 and BAX MDL E 3378595 – 3386202), which are being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. Please return the Hard Drives to Dickstein Shapiro or send a check for \$300.00 per Hard Drive for the cost of replacements. A privilege log for today's production is forthcoming.

Included in this production are the following:

(i) Documents from the following BioScience division sales representatives and other sales employees: Jeffrey Beck, Blaine Forshage, James Galante, Michael Land, Edward Langan, Peter O'Malley, and RosaLee Satterthwaite (BAX MDL E 2962308 – 3378594);

(ii) Documents from the following Medication Delivery division sales representatives and other sales employees: Mike Buha, Wally Candelario, Michael Downey, Ivan Forehand, Mark Haber, Gregory Neier, Ronald Peters, Craig Prather, and Louis Rofrano, Jr. (BAX MDL E 2962308 – 3378594);

(iii) Documents from Paul Ashba, BioScience Legal; David Bond, BioScience Marketing; David Bonderud, Medication Delivery President; Kyle Bush, BioScience Marketing; Bernadette Connolly, BioScience Marketing; Sarah Creviston, Global Legal; Suzanne Dawson, Global Legal; David Drohan, CVP President; Sarah Gregg, Government Affairs; Lawrence Guiheen, BioScience President; Leslie Hoffman, Medication Delivery Communications; Carolyn Kanter, BioScience Clinical Affairs; Michelle Kern, Corporate Services; Harry Kraemer, Corporate Services Chairman; Jeffrey Nordquist, Medication Delivery Marketing; Juliana Reed, Medication Delivery Marketing; Pamela Rosenburg, Medication Delivery Marketing; Catherine Schrank, BioScience Operations; Denise Serewicz, Global Legal; John Shannon, BioScience

1177 Avenue of the Americas • New York, NY 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

[www.DicksteinShapiro.com](http://www.DicksteinShapiro.com)

DSMDB-2097005v01

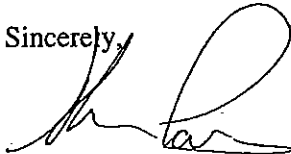
Marketing; Jonathan Spear, Corporate Services; and Onelia Littrell Vera, Global Legal (BAX MDL E 2962308 – 3378594); and

(iv) Documents from Blaine Forshage, BioScience Sales; Michelle Kern, Global Legal; Rose Lorella Medication Delivery Sales; Jennifer Rogers, BioScience Finance and Accounting; and Robert Rogers, BioScience Sales (BAX MDL E 3378595 – 3386202).

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defect or any of its objections to Plaintiffs' discovery requests. The production is being produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shamir Patel', written over a horizontal line.

Shamir Patel

Enclosure

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

2101 L Street NW • Washington, DC 20037-1526

Tel (202) 785-9700 • Fax (202) 887-0689

Writer's Direct Dial: (202) 572-2728

E-Mail Address: [PatelS@dsmo.com](mailto:PatelS@dsmo.com)

June 22, 2006

**VIA OVERNIGHT MAIL AND FACSIMILE**

Elizabeth A. Fegan, Esq.  
HAGENS BERMAN SOBOL SHAPIRO LLP  
60 West Randolph Street  
Chicago, IL 60601

Re: Baxter's Response to Plaintiffs' Omnibus Requests for Production of Documents;  
MDL 1456

Dear Ms. Fegan:

Enclosed please find one Hard Drive containing (BAX MDL S 0000001 - 0265261) which are being provided to you pursuant to Baxter's rolling production in response to the above discovery requests. Please return the Hard Drive to Dickstein Shapiro or send a check for \$300.00 for the cost of a replacement. Enclosed is a cross-reference chart of the production names on the Hard Drive against the full custodian names. A privilege log for today's production is forthcoming.

Included in this production are the following:

(i) Documents from Cecile Hogan, Medication Delivery Sales; Cheryl Hoo Chung, Global Finance; Christine Hoglund, Medication Delivery Sales; Cindy Obernauf, Medication Delivery Sales; Dave Cerquone, Medication Delivery Operations; Harry Jablonski, Medication Delivery Clinical Communications; Jelena Popadic, BioScience Marketing; Jill Groves, Medication Delivery Sales; James Galante, BioScience Sales; Jorja McEwen, Medication Delivery Sales; Joshua Phan, Medication Delivery Marketing; Judith Lynn Carnes, Medication Delivery Sales; Kathie Duffy, Medication Delivery Marketing; Katie Kozlowski, Medication Delivery Sales; Kelly Bynum, Medication Delivery Sales; Kimberly Casey, Medication Delivery Sales; Kimberly McQuade, Medication Delivery Sales, Lawrence Guiheen, BioScience Executive; Linda Hettler, Medication Delivery Sales; Lori Sledzik, Medication Delivery Marketing; Michelle Norton, Medication Delivery Sales; Russell Benko, Medication Delivery Sales; Athanasius Dovas, Medication Delivery, Marketing; Judy Barrera, Medication Delivery, Marketing; and Anthony Nix, BioScience Finance and Accounting (BAX MDL S 0000001 - 0265261);

(ii) Documents from Baxter's archives files (BAX MDL S 0000001 - 0265261); and

1177 Avenue of the Americas • New York, NY 10036-2714

Tel (212) 835-1400 • Fax (212) 997-9880

[www.DicksteinShapiro.com](http://www.DicksteinShapiro.com)

Elizabeth A. Fegan, Esq.

June 22, 2006

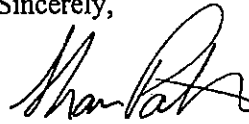
Page 2

(iii) Documents from Linda Hettler, Medication Delivery Sales; Nancy Fortunato, Medication Delivery Marketing; and Medication Delivery Customer Contract Files (BAX MDL S 0000001 - 0265261).

By making this production, Baxter does not waive any jurisdictional, substantive, or procedural defects or any of its objections to Plaintiffs' discovery requests. The documents are also produced subject to, and without waiver of, the attorney-client, work product, and/or any other applicable privileges. Baxter's document production efforts will continue on a rolling basis.

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shamir Patel', with a stylized, cursive script.

Shamir Patel

Enclosure